

**Meeting of the Central Valley Flood Protection Board  
September 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18317 (Attachment A) to install 2 box culverts within the channel; construct a storm drain outfall structure and place rock riprap on the left (south) bank; and install a water line (bored) under and across Littlejohns Creek.

Applicant

Arch Road Limited Partnership, LLC

Location

The project is located in Stockton, east of Highway 99 and north of Arch Road. (Littlejohns Creek, San Joaquin County see Attachment B).

Description

To install 2 5-foot-high by 10-foot-wide by 63-foot-long box culverts within the channel; construct a storm drain outfall structure and place rock riprap on the left (south) bank; and install a water line (bored) under and across Littlejohns Creek.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- San Joaquin County Flood Control & Water Conservation District has endorsed this application (Permit Exhibit A).

CEQA Findings:

Board staff has prepared the following CEQA findings:

The Board, acting as a responsible agency under CEQA, has independently reviewed the amended Final Environmental Impact Report (FEIR, November 1987) its Addendum (December 1988) and Mitigation Monitoring and Reporting Program (MMRP, December 1988) for the Arch Road Industrial Park, Units 3 & 4 (SCN 1987020302) prepared by the lead agency, the City of Stockton.

The FEIR Addendum and MMRP may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2008/09-19-2008.cfm> under a link for this agenda item.

### **Impacts that can be Mitigated**

Table 1 of the Addendum to the EIR lists the following significant (S), potentially significant (PS) and cumulatively significant (CS) impacts and the mitigation measures to reduce them to less than significant.

- Geology and Soils, (PS: preparation of soils report, site improvements and designs to conform to report recommendations)
- Hydrology and Water Quality (S: Weber Slough crossing design shall accommodate anticipated flows, and shall provide for revegetation, and shall be permitted by all agencies with jurisdiction; prepare and implement a Storm Water Pollution Prevention Plan (SWPPP); acquire any necessary NPDES permits; compliance with Stockton Flood Damage Prevention Ordinance; dedicate rights of way along Weber Slough)
- Vegetation and Wildlife (S: preconstruction survey for Swainson's Hawk and establishment of any necessary setbacks; mitigate for elimination of existing / potential hawk foraging habitat through fees, habitat conservation plan, or habitat mitigation / management agreement as necessary; permitting of Weber Slough bridge widening and construction; preconstruction survey for burrowing owl and implementation of any necessary seasonal construction restrictions; avoid Weber Slough corridor during construction and limit construction within channel and 100-foot buffer to April 1 through October 31 to minimize impacts to Giant Garter Snake habitat)
- Climate and Air Quality: (PS: comply with San Joaquin Valley Unified Air Pollution Control District Regulations during construction; implement dust control procedures; proper engine maintenance; design buildings in excess of Title 24 requirements; encourage alternative transportation; pay air quality mitigation fees during building permit process)
- Noise (PS/CS: restrict hours of construction activities; equip heavy machinery with mufflers)
- Land Use (S: The project conforms to existing general plan and zoning designations but would involve loss of approximately 104 agricultural land acres of agricultural land. There are no available mitigation measures.)

- Traffic and circulation (PS: owners /developers pay for all design and construction of subdivision roads, roadway widening and frontage improvements, proportionate share of traffic improvements)
- Public Services (PS: payment of all water supply connection and capital improvement fees; comply with plumbing, metering and other water conservation measures; prepare a water master plan and demonstrate adequate minimum water pressures for both supply and fire protection; provide all easements; construct on-site storm water and waste water collection and detention systems; obtain discharge permits to Weber Slough; pay all sewer connection fees; prepare a master sanitary sewer plan; provide fire protection sprinkler systems; coordinate with Police Department's Crime Prevention Unit; pay all public facility fees, fence and patrol contractor storage yards)
- Visual and Aesthetic Resources (PS: design structures to be aesthetically attractive; landscaping will be native compatible and drought resistant; retain natural vegetation in the North Littlejohns Creek corridor; design lighting to eliminate excessive glare and illumination)
- Energy (CS: There are no available mitigation measures to minimize the increased energy use citywide due to the project)
- Archaeology and History (PS: The project would not affect any known cultural resources. If subsurface cultural resources are encountered during construction activities will halt until examination by an archaeologist makes a determination.)
- Hazardous Materials (PS: Safe and adequate storage facilities will be provided and maintained)
- Airport Safety Considerations (PS: The project is located with airport safety zones. Tall structures or storm water detention facilities which attract waterfowl could involve conflicts with airport operations. A safety easement will be developed to restrict tenants from creating interference with the Airport's radio channels and navigation facilities; storm water detention basins shall be designed and maintained to deny food, water and roosting areas to wildlife; reflective roof coverings which could attract birds or pose hazards to aircraft shall be prohibited)

Based on its independent review of the FEIR, the Addendum, and the MMRP the Board finds that for each of the significant, potentially significant, or cumulatively significant impacts described above, changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. Moreover, such changes or alterations are within the responsibility and jurisdiction of another public agency, the City of Stockton, and such changes have been adopted by that agency.

**Significant Unavoidable Adverse Impacts**

- Implementation of the proposed project would result in the conversion of about 496 acres of productive agricultural land to urban uses. Approximately one-third of the site consists of prime agricultural soils. There is no measure possible to mitigate the impact of removing prime and other productive agricultural land from production, other than leaving the site in agricultural use.
- San Joaquin County is a non-attainment area for CO, ozone, and particulates, and thus, any contribution must be considered significant due to the cumulative degradation in air quality.
- City services and the facilities necessary to provide them, including police, fire and other emergency services, parks and recreation, general government, library, water supply and distribution, wastewater collection and treatment, and the provision of streets and intersections, etc., would be significantly impacted by the project. The financing of public facilities has been an unresolved issue because of the need for the City to adopt a uniform approach for establishing a desired level of service and to establish equitable cost sharing mitigation measures which will generate the funding necessary to avoid service shortfalls and promote the timely construction of needed facilities.

**Statement of Overriding Consideration**

1. The proposed project represents a logical continuation of urban development in the south Stockton area. The site is contiguous to existing light industrial and institutional land uses. Consequently, development of the site to industrial land use is a logical proposal for ultimate use of the site.
2. Urban land uses compatible with the project have already been approved on adjacent properties. Development of these uses poses the potential for land use compatibility conflicts, and will make continued farming of the site less attractive. The project represents an ultimate land use which is compatible with developing land uses in the vicinity.
3. The site is contiguous to the municipal limit of the City of Stockton, and is situated between the City and established institutional land uses to the south. Master plans for the improvement of municipal utilities in the vicinity are already being prepared. These include improvements to the roadway system, extension of infrastructure for public utilities, and expansion of City services. Approval of the proposed project at this time would facilitate efficient planning by providing an incentive for the proponent to take an active part in the implementation of these improvements.
4. The project will create new jobs and attract new businesses to the community.

5. Much of the existing industrial property within the City does not offer the advantages afforded by the project site. Failure to provide attractive sites for industrial development could negatively impact the ability of the City to attract new industries.
6. The City of Stockton is considering adoption of an air quality impact fee ordinance to fund implementation of Transportation Systems Management (TSM) improvements. The applicant or successor in interest will contribute a pro-rata share of the cost of implementation if such an ordinance is adopted.
7. The anticipated demand for industrial land in the vicinity of the airport is expected to increase as the magnitude of services offered by the airport increases. Re-location of this project to another site would not reduce the demand to develop this site, and would consequently be expected to only delay and not avoid the identified impacts associated with development of the proposed site.
8. The proposed retention facility which would be constructed with implementation of the project has the potential to alleviate flooding problems along North Littlejohns Creek.
9. Development of light industrial sites away from major roadways and/or the airport would require that industrially generated trips utilize local roadways, compounding circulation and air quality problems. The proposed site affords easy access to the airport and Highway 99. Completion of the Arch/Sperry connection will also provide the site with easy access to Interstate 5. Development of the site to light industrial use represents a logical proposal which will provide efficient circulation thus minimizing traffic generated air quality impacts.
10. The financing of public facilities has been an unresolved issue because of the need for the City to adopt a uniform approach for establishing a desired level of service and to establish equitable cost sharing mitigation measures which will generate the funding necessary to avoid service shortfalls and promote timely construction of needed facilities. The City has approved, in principal, an interim Impact Fee mechanism to fund the future capital facilities needed for the City of Stockton. The City has further retained a consultant to develop a comprehensive finance program which will become the long range solution for the issue. Adoption of the proposed Impact Fee schedule and, subsequently, the comprehensive finance program will resolve the public facilities financing issue. Prior to recordation of any parcel map and/or construction of any building, the proponent will enter into a development agreement which specifies the projects financial responsibility for providing public utilities and services.
11. The City has indicated that, should State or other funding sources be insufficient, it should assist SEWD in funding and construction of the necessary conveyance system to firing New Melones water via Shirley Creek as planned. The Applicant and successors in interest would pay a pro-rata share of capital improvement costs.

The Board further finds that none of the significant unavoidable adverse impacts of the project as described on pages 3-4 are within the Board's jurisdiction. The Board also finds that the specific economic, legal, social, technological or other benefits of the project, as listed above, outweigh the unavoidable adverse environmental effects, which are thus considered to be "acceptable."

The documents and other materials which constitute the record of the Central Valley Flood Board's proceedings in this matter are in the custody of Jay Punia, Executive Officer, Central Valley Flood Protection Board, 3310 El Camino Ave., Rm. LL40, Sacramento, California 95821.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

According to the FEIR the project site is within the 100 year flood plain of North Littlejohns Creek and Weber Slough. The agricultural use of the land requires irrigation. Both channels are routinely filled to capacity during rain storms and additional capacity is limited if existent at all.

Implementation of the project will result in structures within the 100 year flood plain, and will result in an increase in runoff from the site during storms. Extensive irrigation will no longer be required, and a decrease in water consumption on the site could occur. Mitigation is expected to reduce project specific impacts to less than significant levels. Runoff from developing land uses in the area is an unmitigated cumulative impact.

Structures will be built in conformance with Federal, Local, and State flood regulations. Project design will not substantially alter flood plain capacity on site. The storm drainage system includes a retention pond which will meter outfall in conformance with San Joaquin County requirements. The net result of this system will be a decrease in runoff from the site during peak flow periods.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

#### Staff Recommendation

Staff recommends that the Board adopt the CEQA findings and Statement of Overriding Considerations, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

#### List of Attachments

- A. Permit
- B. Location maps and photos